



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,466	01/26/1999	DEREK IAN JOSEPH HOPKINS	FHW-037	7489

7590

11/15/2002

David R Burns Esq
Lahive & Cockfield LLP
28 State Street
Boston, MA 02109

EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/237,466

Applicant(s)

HOPKINS, DEREK IAN JOSEPH

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 09/12/2002 with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.
2. Claim 9 has been cancelled.
3. Claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 112

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since "storing same in a database" does not clearly point out the meaning of "same".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,923,846 issued to Gage et al. (hereinafter as Gage) in view of US Patent No. 5,381,477 issued to Beyers II, et al. (herein Beyers II).

With respect to claim 1, Gage discloses receiving a plurality of data link messages and storing same in a database; assigning each data link message to one of a plurality of message groups such that each group contains data link messages of a specific message type (col. 2, lines 34-50).

Gage does not explicitly indicate "tabulating the messages so as to align corresponding fields; displaying the tabulated messages so that the corresponding message content fields are aligned; and displaying a list of field contents for each message content field, the list being filtered to remove repeated incidence of the same content."

However, Beyers II discloses the tabulating messages, displaying the message and removing the message as claimed (see figs 8A-8C, col. 17, lines 55-67, col. 20, lines 42-50 and col. 21, lines 40-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of Beyers II so as to obtain a method of analyzing data link messages. This combination would provide a method for a message consisting of message control data and how to retrieve and display the message in a message table or tabulating messages in a database (col. 21, lines 40-60) in the analyzing messages environment.

With respect to claim 2, Gage discloses the step of performing to all of said message groups the steps of tabulating the messages and displaying the tabulated data and the field contents as claimed (col. 14, lines 13-67).

With respect to claim 3, Gage discloses the step of placing all of said data link messages of a specific message type into each of said plurality of message groups as claimed (col. 17, lines 18-54).

With respect to claims 4 and 6-7, Gage discloses a method of analyzing data link messages as discussed in claim 1.

Gage does not explicitly indicate "sorting said list of field contents; the step of filtering the list to remove repeated incidence of content falling within a specific range the data link messages comprise tactical data link messages."

However, Beyers II discloses sorting the list of field contents (message number in fig. 8A-8C is an uniquely identifier number and it is considered to be sorted field); the range of message (the message to be displayed is range from 0-65,535); and tactical message as engineering database information (col. 17, lines 1-9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of Beyers II so as to obtain a method of analyzing data link messages. This combination would provide a method for a message consisting of message control data and how to retrieve and display the message in a message table or tabulating messages in a database (col. 21, lines 40-60) in the analyzing messages environment.

With respect to claim 5, Gage discloses the step of filtering one of said plurality of message groups so as to display only messages having a particular content for that field type, the content having been selected from the list of field contents as claimed (col. 6, lines 40-67, col. 14, lines 13-67, and col. 17, lines 18-54).

7. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,923,846 issued to Gage et al. (herein as Gage) in view of US Patent No. 5,381,477 issued to Beyers, II et al. (herein Beyers II) and further in view of US Patent No. 5,971,580 issued to Hall et al. (herein Hall).

With respect to claim 8, Gage in view of Beyers II discloses a method of analyzing data link messages as discussed in claim 1.

Gage and Beyer II do not explicitly indicate, "a plurality of military platforms, the messages being in digital form and transmitted by the units via a wireless network."

However, Hall discloses the military sites platforms (aircraft, ship, missiles, submarines: col. 30-37 and their positions as latitude and longitude: col. 10, lines 17-25); messages in digital form (see fig. 7, worksheet window, item 34: a structure of spreadsheet with rows and columns, col. 7, lines 49-67 and col. 8, lines 1-3); and transmitted via wireless network (see fig. 1, item 19, source sensors, col. 3, lines 38-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage in view of Beyers II with the teachings of Hall so as to obtain a method for analyzing data link messages.

Art Unit: 2172

This combination would provide a method for analyzing tactical data, information or situation based on the real time data and allowing the operator or user to evaluate and use the real-time data while performing other special function tasks or special focus tasks such as for military platforms' entities: aircrafts, ships and submarines (Hall- col. 2, lines 8-21) in the analyzing tactical messages environment.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 746-7238 (for After- Final communications intended for entry)

or: (703) 746-7239 (for Official communications intended for entry)

or: (703) 746-7240 (for informal or draft communications or Customer Service center, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

ALM

Nov. 2nd, 2002.



HOSAIN T. ALAM
PRIMARY EXAMINER